Exhibit "C"

Declaration of Joseph M. McMullen

JOSEPH M. McMULLEN
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Attorneys for Mr. Alfaro-Zuniga

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE MARILYN L. HUFF)

UNITED STATES OF AMERICA, Plaintiff, v. MELVIN ALFARO-ZUNIGA, Defendant.	Case No. 08cr1276-MLH DATE: May 27, 2008 TIME: 2:00 p.m. DECLARATION OF JOSEPH M. MCMULLEN IN SUPPORT OF MOTION TO SUPPRESS EVIDENCE

Joseph M. McMullen, attorney for Melvin Alfaro-Zuniga, states as follows, under penalty of perjury:

1. I am a trial attorney with Federal Defenders of San Diego, Inc., and I am licensed to practice in the State of California, and in the U.S. District Court for the Southern District of California.

2. This declaration is based solely upon the discovery produced by the Government.

3. In particular, this declaration is based on review of the Report of Investigation prepared by Border Patrol Rene Martinez.

4. At approximately 10:54 p.m. on April 1, 2008, a white 2000 Peterbilt semi-truck driven by Mr. Alfaro-Zuniga pulling a 2004 Dorse trailer arrived at the Highway 86 Border Patrol checkpoint.

5. While Agent Martinez questioned Mr. Alfaro-Zuniga, Border Patrol Agent T. Delgado relayed to Agent Martinez that his assigned canine partner had alerted to the trailer.

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6. Mr. Alfaro-Zuniga was ordered to go to secondary inspection.

7. Agent Delgado admits that he "explained to [Mr. Alfaro-Zuniga] that [the agents] would have to break the seal on the rear door of the trailer in order to search it."

8. Agents requested consent and allege that consent was obtained.

9. Agents conducted a search of the sealed trailer and they discovered twenty individuals inside.

10. Mr. Alfaro-Zuniga was arrested and charged with violation of 8 U.S.C. § 1324.

11. I hereby declare under penalty of perjury that the foregoing is a true.

Respectfully submitted,

DATED: May 14, 2008

JOSEPH M. McMULLEN
Declarant